



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Michael Rzymek, Ohio State Racing Commission

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** July 28, 2020

**RE:** **CSI Review – Chapter 5 No Change Rules (OAC 3769-5-01 through 3769-5-06, 3769-5-08 through 3769-5-19, 3769-5-21 through 3769-5-26, 3769-5-28 through 3769-5-34, 3769-5-37 through 3769-5-46, 3769-5-52, 3769-5-53, 3769-5-55 through 3769-5-70, and 3769-5-99)**

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On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Commission as provided for in ORC 107.54.

### Analysis

This rule package consists of 61 no change rules proposed by the Ohio State Racing Commission (Commission). This rule package was submitted to the CSI Office on May 27, 2020, and the public comment period was held open through June 26, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on May 27, 2020.

Ohio Administrative Code Chapter 3769-5 establishes the requirements related to racing eligibility for thoroughbred and quarter horses. OAC 3769-5-01 through 3769-5-06 set forth requirements for racing secretaries during race days, including receiving entry fees, reporting violations, and serving as handicapper for certain races. OAC 3769-5-08 through 3769-5-14 relate to the preferred list and the placement of entries on the list when the number of sign-ups exceed race capacity. OAC 3769-5-15 through 3769-5-19 and 3769-5-21 through 3769-5-29 set forth requirements for entries in races, including information submission and horse and jockey identification. OAC 3769-5-30

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through 3769-5-46 include requirements for horse eligibility, payment, and removal of a horse from a race. OAC 3769-5-52 through 3769-5-65 concern the weight allowances and penalties for horses. OAC 3769-5-66 through 3769-5-70 and 3769-5-99 establish requirements to receive funds through the Ohio Thoroughbred Race Fund special account, registration requirements, and penalties for violations of the rules.

During early stakeholder outreach, the Commission sent the rules to relevant industry stakeholders for feedback, including the seven commercial racetrack permit holders and horseman's association members. No comments were received from stakeholders during this time or during the CSI public comment period.

The business community impacted by these rules includes commercial racetrack owners and licensees performing duties related to racing, including jockeys, racing secretaries, and horse owners. The adverse impacts created by the rules include fees for licensees and the time and effort spent by licensees to comply with the rule requirements, as well as penalties for violations of the rules. Penalties for violations of the rules include fines that can reach up to \$1,000 and suspension or revocation of a license. The Commission states that the rules are necessary for conducting orderly horse racing, which requires procedures for the collection of entry fees, distribution of prize winnings, and proper registration.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Ohio State Racing Commission should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.